

OFFICIAL WARNING



VIOLATION OF FEDERAL REGULATIONS

CASE NO.

FL 120241

VIOLATOR

**Customer # 3179
Certificate # 58-C-0447
Brian Franzen
Franzen Brothers Circus Inc.**

ADDRESS (Street, City, State, Zip Code)

**PO Box 215
Bushnell, FL 33513**

The Department of Agriculture has evidence that on or about **August 8, 2012** you or your organization committed the following violation of Federal Regulations:

9 CFR, SECTION

Failure to

2.131 (b)(1)

- Handle all animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

(On August 6, 2012, the licensee's employee, Casey Walker, was observed by a citizen striking an elephant named Kosti with a bullhook multiple time about the eyes and ears.)

3.132

- A sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set forth in this subpart. Such practices shall be under a supervisor who has a background in animal care.

(One qualified handler is used to manage three elephants, rides and performances.)

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS Official.

APHIS OFFICIAL (Name and Title)

Elizabeth Goldentyer, DVM

Regional Director

SIGNATURE

DATE ISSUED

10/2/12

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

OFFICE ADDRESS:

**920 Main Campus Dr., Suite 200
Raleigh, NC 27606**

TELEPHONE NO. AC (919) 855-7100

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

7010 2780 0002 5180 1868